

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Team # 5	CCRB Case #: 201303690	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/17/2013 6:01 PM	Location of Incident: Crown Street and Utica Avenue	Precinct: 71	18 Mo. SOL 10/17/2014	EO SOL 10/17/2014	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 05/03/2013 10:53 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Dmitry Brushnivsky	01417	936251	PBBS
2. POM David Savella	04134	952218	PBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Marc Lappas	20793	951898	PBBS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Dmitry Brushnivsky	Abuse: Sgt. Dmitry Brushnivsky stopped § 87(2)(b)	
B.SGT Dmitry Brushnivsky	Force: Sgt. Dmitry Brushnivsky used physical force against § 87(2)(b)	
C.POM David Savella	Force: PO David Savella used physical force against § 87(2)(b)	

Case Summary

On April 17, 2013, Lt. Joseph Gallo and Sgt. David Depalma of IAB Group 32 took a complaint from § 87(2)(b) at § 87(2)(b), in Brooklyn. § 87(2)(b)'s complaint was forwarded to the CCRB on May 3, 2013 via IAB log #13-18560. A summary of the complaint is outlined below.

At approximately 6:01 p.m. on April 17, 2013, § 87(2)(b) was informed that his friend § 87(2)(b) was being beaten by officers near the intersection of Utica Avenue and Crown Street, in Brooklyn. When § 87(2)(b) arrived at the location, he found that § 87(2)(b) had already been arrested. He did not witness the officers use any force against § 87(2)(b). A large crowd had gathered around the incident. § 87(2)(b) approached one of the officers, identified by the investigation as Sgt. Dmitry Brushnivsky, and told him, "We're not scared of you." Sgt. Brushnivsky replied that he was jaywalking. He then attempted to grab § 87(2)(b) (**Allegation A**). § 87(2)(b) pushed Sgt. Brushnivsky's hand away. He was then tackled to the ground by Sgt. Brushnivsky and another officer, identified by the investigation as PO David Savella. While on the ground, Sgt. Brushnivsky punched him in the head, while PO Savella kned him in his back (**Allegations B and C**). He suffered a laceration to the back of the head as a result of this force. § 87(2)(b) was arrested and charged with § 87(2)(b). He was later taken to § 87(2)(b), where he received a staple to close the cut on his head.

The IAB log identified Sgt. Dmitry Brushnivsky and PO David Savella of Patrol Borough Brooklyn South as the subject officers. Lt. Gallo and Sgt. Depalma of IAB Group 32 showed § 87(2)(b) photo arrays while he was in the hospital. In the arrays, he identified Sgt. Brushnivsky as the officer who jumped on him and punched him in the head, and PO Savella as the officer who kned him in the back. § 87(2)(b)'s arrest report was prepared by PO Savella. § 87(2)(b) provided video footage of the incident, taken by an unidentified friend on a cell phone, in which he can be seen struggling with two white male uniformed officers, one of whom has sergeant's stripes on his arm. Both Sgt. Brushnivsky and PO Savella are white males. In the video, the sergeant is the one to initiate physical action against § 87(2)(b). Therefore, allegations of stop and force have been pleaded against Sgt. Brushnivsky, and an allegation of force has been pleaded against PO Savella.

§ 87(2)(b)'s address was provided in the initial complaint. His telephone number was found on an arrest report from a previous incident. On May 7, 2013, a call was made to § 87(2)(b). He stated that, on his attorney's advice, he would decline to cooperate with the investigation. § 87(2)(b) intends to file a civil lawsuit, and did not want to endanger it by making extraneous statements about the incident. He did not wish to withdraw his complaint, and stated that he would consider re-opening the case in the future once his criminal and civil proceedings were completed. § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date